IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 18160 of 2007(J)

PETITIONER:

PUSHKARAKSHI, AGED 50 YEARS,
W/O. RAVEENDRAN, KOCHIPARAMBIL HOUSE,EDAVILANGU.

BY ADV. SRI.P.K.SAJEEV

RESPONDENTS:

EZHAVA SEVA SANGHAM, EDAVILANGU,
REPRESENTED BY PRESIDENT, SUKUMARAN,
S/O. KALLIKKAT KRISHNAN, EDAVILANGU VILLAGE,
KODUNGALLUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 18160 OF 2007 J

Dated this the 13th June, 2007.

JUDGMENT

Heard learned counsel for the writ petitioner.

2. The writ petition is filed against the order of the learned Munsiff, Kodungallur in declining permission to amend the written statement. The learned Munsiff has noted that the defendant is trying to make out a new case which is at variance with the written statement originally pleaded. It is a settled principle that one can have inconsistent case but not a case at total variance with the written statement originally pleaded. When it is so, it will take away valuable right that had already accrued to the plaintiff and allowing amendment would prejudice the valid right which is really vested on him. Therefore, I find that the learned Trial Judge was perfectly correct in declining the amendment of the written statement. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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